

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

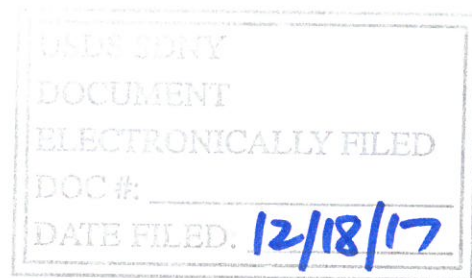
CLAUDE GALLAND *et al.*,

Plaintiffs,

-v-

JAMES JOHNSTON, *et al.*,

Defendants.



No. 14-cv-4411 (RJS)  
ORDER TO SHOW CAUSE

RICHARD J. SULLIVAN, District Judge:

On December 7, 2017, the Court issued an order directing Plaintiff Claude Galland to show cause in writing no later than December 12, 2017 why he should not be sanctioned for failing to comply with Judge Ellis' prior discovery orders. (Doc. No. 111). The Court further directed the parties to appear for a conference on December 18, 2017 to discuss the propriety of dismissing this action as a sanction for failing to prosecute. (*Id.*) Plaintiff did not file any submissions, nor did he appear at the hearing. Defendants, however, filed a response to the order to show cause and attached an affidavit from Lisa Porter, counsel for Defendants, detailing her unsuccessful efforts to depose Plaintiffs Claude Galland and Violaine Galland. Accordingly, as stated on the record at the hearing on December 18, 2017, in light of Plaintiff Claude Galland's noncompliance with court orders despite repeated warnings that such failure would result in dismissal of his case, IT IS HEREBY ORDERED THAT the Plaintiff Claude Galland's claim is dismissed with prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b).

In addition, IT IS HEREBY ORDERED THAT Plaintiff Violaine Galland show cause in writing no later than January 5, 2018 why she should not be sanctioned for failure to appear at her deposition that was noticed and scheduled to occur on November 2, 2017. Failure to comply with

this directive will result in dismissal of her claim for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

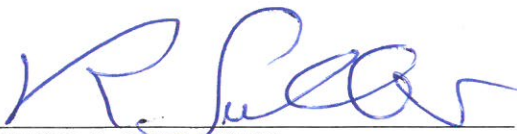
IT IS FURTHER ORDERED THAT Plaintiff Paristudios, a legal entity that has never been represented by licensed counsel in this matter, show cause in writing no later than January 5, 2018 why its claim should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). *Lattanzio v. COMTA*, 481 F.3d 137, 139 (2d Cir. 2007) (“[A] layperson may not represent a separate legal entity.”); *Rowland v. Cal. Men’s Colony*, 506 U.S. 194, 201-02 (1993) (“It has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel. . . . [T]hat rule applies equally to all artificial entities.”).

Finally, IT IS FURTHER ORDERED THAT the parties shall appear for a conference on January 12, 2018 at 12:00 p.m. in Courtroom 905 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York at which time the Court will address (1) the propriety of sanctioning Plaintiff Violaine Galland, and (2) whether entity Plaintiff Paristudio’s claims must be dismissed for failure to prosecute.

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiffs and to terminate Plaintiff Claude Galland from the docket.

SO ORDERED.

Dated: December 18, 2017  
New York, New York

  
RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE